IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.

SUIT No. 1753 of 1983.

Shah Babulal Khimji and others. ...Plaintiffs.

Versus.

Balwantrai Gulabrai Bhatt and others.
...Defendants.

None for the plaintiffs.
Mr. K. A. Sampath for defendant no. 3(b).
Ms. Maya Sarkar i/b M. Munim & Co., for defendant no. 1 and 2.
Mr. V.J. Shah i/b Pandya & Poonawala for defendant no. 4 to 8.

CORAM: V.C.DAGA, J.
DATED : 12.01.2006.

P.C.:-

. None for the plaintiffs.

. The plaintiffs were also absent on 15th December, 2005.

. Advocate for defendant no. 1,2, and 4 to 8 were present.

. By virtue of the order dated 7th July, 2005 suit has been dismissed against defendant no.3 as abated. Whereas for the same reason; by an order dated 15th December, 2005; suit came to be dismissed against defendant no.7 as the defendant no.7 has expired. Plaintiffs did not take steps to substitute either of the defendants who were reported to be dead.

. Even on 15/12/2005 when the issues were settled,

nobody was present on behalf of the plaintiffs.

. Even today nobody is present on behalf of the plaintiffs.

. Under these circumstances, suit is dismissed for want of prosecution under Order IX Rule 8 of the C.P.C.

V.C.DAGA, J.